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10 Attorneys for Defendants NOVARTIS PHARMACEUTICALS
11 CORPORATION AND NOVARTIS
12 CORPORATION

13 UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

15 GLENN MOORE,

16 Plaintiff,

17 vs.

18 NOVARTIS PHARMACEUTICALS
19 CORPORATION, NOVARTIS
20 CORPORATION, and DOES 1 through
21 10, inclusive,,
22 Defendants.

Case No. 2:20-cv-01405-JAM-DB

Assigned to: Hon. John A. Mendez

**STIPULATION AND REQUEST TO SET
ASIDE DEFAULTS AGAINST
DEFENDANTS AND TO ACCEPT
SERVICE OF COMPLAINT**

Action Filed: July 13, 2020

1 Plaintiff Glenn Moore (“Plaintiff”) and Defendants Novartis Pharmaceuticals Corporation
2 and Novartis Cooperation (“Defendants”) (collectively, the “Parties”), by and through their
3 counsel of record, hereby stipulate as follows:

4 1. Plaintiff filed a Complaint against Defendants on July 13, 2020 (Dkt. 1).

5 2. On July 21, 2020, Plaintiff filed two Proofs of Service indicating that Plaintiff had
6 served Defendants with the Summons and Complaint on July 17, 2020 (Dkt. 8 and 9).

7 3. On August 10, 2020, Plaintiff filed Requests for Entry of Default against
8 Defendants (Dkt. 10 and 11).

9 4. On August 11, 2020, the Clerk entered default against Defendants (Dkt. 12 and 13).

10 5. Upon learning of the entered defaults against Defendants, Defendants’ undersigned
11 counsel contacted Plaintiff’s counsel on August 27, 2020, and advised that it is Defendants’
12 intention to file a response to Plaintiff’s Complaint. Defendants’ counsel further requested that
13 Plaintiff agree to stipulate to vacate the Clerk’s entries of default against Defendants.¹

14 6. Defendants submit that, assuming service was properly effectuated, they did not
15 respond to the Complaint in a timely manner because Defendants were unaware that they had been
16 properly served with the Complaint. Over the past few months, Defendants’ offices have largely
17 been closed due to the COVID-19 global pandemic, and consequently, Defendants have been
18 limited in their ability and capacity to accept service of process. In addition, Defendants contend
19 that there may have been issues with the validity of the service, but they agree not to contest these
20 points if this stipulated order is granted.

21 7. Pursuant to Defendants’ counsel’s request, Plaintiff agreed to stipulate to an order
22 vacating the Clerk’s entries of default and not to seek a default judgment; and Defendants, through
23 their counsel, agreed to accept service of the Complaint.

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27 ¹ Defendants are still reviewing the complaint and associated allegations, and do not
28 concede that either of them or both of them are proper defendants to this action, but they do agree
to respond to the complaint and present any such argument in the course of the litigation after
meeting and conferring with opposing counsel.

1 8. The Parties have further agreed that Defendants' counsel will enter an appearance
2 on behalf of Defendants upon receipt of the Court's order setting aside the defaults and will file a
3 response to the Complaint on Defendants' behalf within twenty-one days of the Court's order.

4 9. Thus, pursuant to Fed. R. Civ. P. 55(c) and for good cause appearing, Defendants
5 hereby respectfully and without opposition request that the Court enter an order setting aside the
6 defaults against Defendants and permitting Defendants to file a response to the Complaint within
7 twenty-one days of the Court's order.

8 DATED: September 3, 2020

ROBERT LUCAS LAW PC

11 By: /s/ Robert W. Lucas (as authorized on 9/3/2020)
12 ROBERT W. LUCAS
Attorneys for GLENN MOORE

14 DATED: September 3, 2020

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ELIZABETH R. DYER

18 By: /s/ Malcolm A. Heinicke
19 MALCOLM A. HEINICKE
20 Attorneys for NOVARTIS PHARMACEUTICALS
CORPORATION AND NOVARTIS CORPORATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

GLENN MOORE,

Plaintiff,

vs.

NOVARTIS PHARMACEUTICALS
CORPORATION, NOVARTIS
CORPORATION, and DOES 1 through
10, inclusive,,

Defendants.

Case No. 2:20-cv-01405-JAM-DB

Assigned to: Hon. John A. Mendez

**ORDER GRANTING STIPULATION AND
REQUEST TO SET
ASIDE DEFAULTS AGAINST
DEFENDANTS**

Action Filed: July 13, 2020

Pursuant to Fed. R. Civ. P. 55(c) and for good cause shown, it is hereby ordered that the defaults against Defendants Novartis Pharmaceuticals Corporation and Novartis Cooperation (“Defendants”) be set aside, and that Defendants may file a response to Plaintiff’s Complaint within twenty-one (21) days of this Order.

DATED: September 3, 2020

/s/ John A. Mendez

United States District Court Judge